

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	CASE NO. C-1-01-541
BUFORD F. HOUCK, et al.,)	
)	
Defendants.)	Judge Beckwith
)	
<hr style="width: 45%; margin-left: 0;"/>		

**UNITED STATES' RESPONSE TO ORDER SHOW CAUSE
AND REQUEST FOR ADDITIONAL TIME FOR DISCOVERY**

On June 8, 2004, this Court ordered the United States to show cause why the above-captioned case should not be dismissed for want of prosecution. For good cause set forth below, the United States prays that this Court allow the United States to prosecute this action:

1. This case was previously assigned to Lara Ewens of this office, who ceased employment with this office in January of 2004.
2. This case was then reassigned to Stacy Hallet, who ceased employment with this office on June 11, 2004.
3. On June 14, 2004, this case was reassigned to trial counsel Alejandro L. Bertoldo.
4. As a result of the case having been twice reassigned on account of these departures, this case was not actively prosecuted after November 7, 2003.
5. Concurrent with the filing of this response, the United States is filing a motion for summary judgment to reduce to judgment the tax liabilities of Buford Houck for the years at issue.
6. Dismissal of the United States' Complaint would prejudice the United States as to those tax

years for which the statutory period of limitations on collection has expired since the action was timely commenced.

7. The United States' First Amended Complaint, filed November 7, 2003, also sought to foreclose on certain real property that is held by a nominee/alter ego of Buford Houck.
8. Undersigned trial counsel for the United States requests 120 days for discovery on this matter. Part of the reason for the length of this request is that trial counsel will be out of the office from June 24th through July 20th for his wedding and honeymoon.

WHEREFORE, the United States' prays that this court keep this case open, allow the filing of the United States' Motion for Partial Summary Judgment, and grant it 120 days for discovery on the remaining issues.

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney

/s/ Alejandro L. Bertoldo
ALEJANDRO L. BERTOLDO
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 55
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 307-6019
email: Alejandro.L.Bertoldo@usdoj.gov

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing United States' Response to Order to Show Cause and Request for Additional Time for Discovery was filed electronically on June 21, 2004. Notice of this filing will be sent to all parties that have registered for electronic filing by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Service was also made by U.S. Mail, postage prepaid, on the following parties:

STATE OF OHIO, DEPARTMENT OF TAXATION
TAX COMMISSIONER OF OHIO
30 East Broad Street, 22 Floor
Columbus, OH 43215

FIRST FEDERAL SAVING & LOAN, ASSOC.
415 Center Street
Ironton, OH 45638

BUFORD F. HOUCK
1739 Kevin Street
Ironton, OH 45638

BETTY HOUCK
1739 Kevin Street
Ironton, OH 45638

/s/ Alejandro L. Bertoldo
ALEJANDRO L. BERTOLDO